IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 8066 of 1995

Between:

Uggumudi Changa Reddy, S/o.U.Chinna Subba Reddy,
Gummadi Thagali Nellore District.

..... PETITIONER

AND

The Mandal Revenue Officer, Doravari Sathram Mandal,
Nellore District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or order or direction declaring the act of the respondent in seeking to resume the land to an extent of 70 cents in S.No.71-12-D of Vetagiripalem village is illegal, arbitrary, and without any jurisdiction and consequently direct the respondent to forbear from taking any action to dispossess the petitioner from the said land and pass such other order.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondent: GP FOR REVENUE

The Court made the following :

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ORDER:

Heard both the sides.

The petitioner herein, claiming to be the possessor and enjoyer of the land in Survey No.71-12-D to an extent of Ac.0.70 cents situated in Vetagiripalem village, filed this writ petition, *inter alia,* declaring the action of the respondent in trying to resume the said land as illegal.

The case of the petitioner, in brief, is that he has been in possession and enjoyment of the land in question, the said land cannot be resumed. However, in spite of the same, notice has been issued by the respondent on 28.03.1993 to the petitioner and the petitioner attended the Office of the respondent in the next day. The petitioner's claim dates back to the year 1967, therefore, the question of resumption does not arise. This writ petition was filed on 21.04.1995.

In the counter-affidavit filed by the respondent, it is stated that the Mandal Revenue Officer passed orders resuming the land in question on 12.04.1995 and the same was also taken over, hence, sought for dismissal of the writ petition.

Having considered the submissions on either side and also the orders already passed on 12.04.1995 i.e., even before filing of the writ petition, the petitioner has

got alternate and efficacious remedy of appeal to the concerned Revenue Divisional Officer. In view of such availability of alternate and efficacious remedy, I do not find any justification to go into the merits of the case.

The writ petition is accordingly dismissed with liberty to the petitioner to file an appeal within six weeks from today and on receipt thereof, the said appeal shall be disposed of after giving notice to both the parties by the appellate authority.

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B. PRAKASH RAO, J

17th March 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1. The Mandal Revenue Officer, Doravari Sathram Mandal,
Nellore District.

2. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

3. Two C.D. copies.